

To: Hellyer, Yvette[Hellyer.Yvette@epa.gov]
Cc: McFadden, Kelly[McFadden.Kelly@epa.gov]; Miles, James[miles.james@epa.gov]
From: Schulze, Chad
Sent: Thur 9/29/2016 7:55:30 PM
Subject: RE: FIFRA Formulation Samples Shipped to WSDA Lab *** ENFORCEMENT
CONFIDENTIAL ***
[IMG_0110.jpg](#)
[IMG_0111.JPG](#)

I also inspected a local Home Depot store ... guess what fly trap they carried? ... Sterling International's registered product (see above).

Sincerely,

Chad

Chad C. Schulze
Pesticides and Toxics Unit
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U.S. EPA Region 10 (OCE-101)
1200 6th Avenue, Suite 900
Seattle WA 98101
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EPA DIVE UNIT:

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From: Hellyer, Yvette
Sent: Thursday, September 29, 2016 11:31 AM
To: Schulze, Chad <Schulze.Chad@epa.gov>
Cc: McFadden, Kelly <McFadden.Kelly@epa.gov>; Miles, James <miles.james@epa.gov>
Subject: RE: FIFRA Formulation Samples Shipped to WSDA Lab *** ENFORCEMENT
CONFIDENTIAL ***

Chad – This is great news! Thank you for letting me know about the inspection. I'll be sure to bring OPP and others up to date when the results arrive. I believe OPP would be very interest to know about this.

As you may be aware, we had received prior notice from Black Flag that all product alleged in violation were pulled from shelves and quarantine while they determined whether to register. The attorney insinuated that they may destroy the line since it was well past the season. To the best of my knowledge, Black Flag has not provided OPP with an application to registered these products; unlike Starbar who did seek registration.

In July 2016, Don and I were asked to respond by conference call with new staffers of Congresswoman McMorris Rodgers office. They were asking for a status update to the Sterling Company's tip and complaint against Black Flag. One person spoke about how Sterling was losing over \$600,000 in revenue because the big box stores, like Lowe's, were opting to sell Black Flag's products over his registered Remedy products. Don and I were not made aware prior to our meeting of any such information, so we could not respond. I did a quick check of the Lowe's and Home Depot websites and still continued to not find BF products for fly traps and lures.

We informed the Congresswoman's office that we were closing the tip by Sterling Company, however, we would continue to enforcement against any unregistered Black Flag (or similar companies products) found in the marketplace via our standard operating procedures. We could not make this a priority; the dicamba situation was upon us and we are still working the methyl bromide case. The staffers understood.

Yvette P. Hellyer

OECA/OCE/WCED

Pesticide and Tanks Enforcement Branch

202/564-4033

From: Schulze, Chad

Sent: Thursday, September 29, 2016 12:18 PM

To: Hellyer, Yvette <Hellyer.Yvette@epa.gov>

Cc: McFadden, Kelly <McFadden.Kelly@epa.gov>

Subject: FW: FIFRA Formulation Samples Shipped to WSDA Lab *** ENFORCEMENT
CONFIDENTIAL ***

Hi Yvette,

This is just an FYI to let you know that I was able to find the Black Flag Disposable Fly Trap at a local Lowe's Home Improvement store in Seattle and the Lowe's website. We collected two Traps from the store and eight from the website. The ten Traps appear to be from two different Batch/Lot#'s, so I sent the lab three samples (see below email); one from the store (Batch/Lot# BX-03286) and two from the internet (Batch/Lot#'s BX-05236 and BX-03286).

I asked Lowe's to provide me the past year's records regarding the order, purchase and receipt of the Traps. They did not have the records available at the time of the inspection but agreed to provide the information by October 14. I explained to them that the products might be unregistered pesticides and would need to be pulled from the shelves depending on the laboratory analysis.

According to the batch coding, these traps were all produced by Lafayette Works Center (DBA Lafayette Industries) in Manchester, MO (EPA Est. No. 80202-MO-1). The other four establishment numbers appearing on the label were:

74291-MO-1 Boone Center Inc. – St. Peters, MO

75793-MO-1 Industrial Aid, Inc. – St. Louis, MO

84664-IL-1 OHL - Edwardsville, IL

9688-MO-1 Chemsico Div United Indus Corp – St. Louis, MO

Ex. 4 - CBI

Anyway, I'll let you know as soon as the lab analysis is completed.

Please let me know if you have any questions.

Sincerely,

Chad

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From: Schulze, Chad

Sent: Thursday, September 29, 2016 8:19 AM

To: 'Firman, Mike (AGR)' <MFIRMAN@agr.wa.gov>

Subject: FIFRA Formulation Samples Shipped to WSDA Lab *** ENFORCEMENT
CONFIDENTIAL ***

*** ENFORCEMENT CONFIDENTIAL ***

Hi Mike,

I just wanted to let you know that three samples of the Black Flag Disposable Fly Trap are heading to the lab as of yesterday evening. Again, we are looking for Indole and/or Heptyl Butyrate or any other chemical attractant in the lure package accompanying the trap. Two of the samples were purchased from the internet and the third from a local Lowe's store in Seattle. The three samples numbers are:

091516-F17746-001-001-CS (Batch/Lot# BX-05236) – Internet purchase

091516-F17746-001-002-CS (Batch/Lot# BX-03286)– Internet purchase

092716-F17746-001-001-CS (Batch/Lot# BX-03286) – Store purchase

I provided a Chain of Custody Form in the shipping box. Please have the lab sign the form for all three samples and send the form back to me (electronic copies are sufficient). I wrote what analyses we are requesting on the form.

Also, on another topic, we are having some difficulty getting the Liquichlor 12.5% Solution (EPA Reg. No. 550-198) samples prepped for shipment from Anchorage, Alaska. Looks like the earliest we can get them shipped will be 10/3. I will let you know as soon as they ship.

Please let me know if you have any questions. Thank you so much for your assistance on this ... it is very much appreciated!

Sincerely,

Chad

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From: Leigh, Doug
Sent: Wednesday, September 28, 2016 3:12 PM
To: Schulze, Chad <Schulze.Chad@epa.gov>
Subject: Your UPS Tracking #

Doug Leigh

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